

Child Abuse

Protecting our children is a fundamental responsibility.

What comes to mind when you hear the words, "child molester"? A stranger in a raincoat hanging around a schoolyard? The invitation, "Want some candy, little girl?"

These stereotypes simply do not fit the facts. Most likely the molester will be someone the child knows: a parent, a family friend, a baby sitter, or a school employee.

Child sexual abuse is only part of a larger picture. Neglect and physical and emotional abuse are also serious problems.

In 1993, almost three million children were reported as abused and neglected to child protective agencies in the United States. Three children in the United States die each day as a result of abuse or neglect, according to child abuse agencies.

This pamphlet explains how the District Attorney's Office handles child abuse cases and encourages the reporting of this crime.

The child victim is our number one concern throughout the prosecution process. Our skilled prosecutors who handle these cases have the best interests of the child victim in mind at all times. Protection of our children is, and will continue to be, one of my top priorities.

S. L. Cooley
Steve Cooley
District Attorney
Los Angeles County

Visit our Internet Web site at:
<http://da.co.la.ca.us>

Child Abuse and the D.A.'s Office

The District Attorney's Office becomes involved in child abuse cases after the cases are reported to the police.

Special units have been created in the District Attorney's Office to handle child abuse cases.

Highly skilled prosecutors with special training in dealing with children and child abuse problems are assigned to these units.

These prosecutors try to make the judicial process easier and less traumatic for the child victim.



Los Angeles County
District Attorney's Office

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Filing the Case

When the police bring a case to the District Attorney's Office, additional investigation is often requested. In some cases, a medical examination of the child victim may be arranged for both prosecution and medical purposes.

The District Attorney's Office also has specialized investigators to handle follow-up investigations.

The victim will be interviewed in an atmosphere of concern and support. A play area with children's toys and books is provided to ensure that the interview is not a threatening experience.

If the District Attorney's Office decides not to prosecute the case, the decision will be completely explained to the victim and his or her parent or guardian.

Municipal Court Arraignment

If the suspect is charged with a crime, the next step is the arraignment. The victim does not have to be present at the arraignment. At this time, the suspect is appointed a lawyer if he cannot afford one and is informed of his rights and the charges. The judge sets the case for a preliminary hearing within two weeks and sets bail.

Preliminary Hearing

This is a proceeding before a judge which establishes that there is sufficient evidence that a crime was committed and that the suspect probably did it.

The child victim will most likely be called as a witness.

The office tries to ensure that the deputy district attorney who conducts the first interview will handle the case from filing through sentencing.

The prosecutor will explain the preliminary hearing to the victim and will normally take the child to the courtroom before the hearing. This will help the child understand what is going to happen.

The purpose of this preparation is to keep the child from being intimidated by the court process.

If the judge decides that there is sufficient evidence to believe that the suspect probably committed the crime, an arraignment date is set in Superior Court.

If the judge decides there isn't enough evidence, the case is dismissed and the suspect is released.

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Superior Court Arraignment

The victim does not need to be present at the arraignment. At this time, the suspect is informed of his or her rights and the charges. If the suspect pleads guilty, there is no trial and the case is set for sentencing. If the suspect pleads not guilty, the judge will order a trial.

Postponements

There may be several postponements (also called continuances) before the case actually gets to trial. The deputy district attorney will inform the victim and/or parent(s) of the reasons for any continuance and will oppose any unnecessary continuances.

The victim will receive a subpoena to testify. The deputy district attorney will explain that the parent(s) will be called to bring their child to court only on the day the testimony is to occur. If you receive a subpoena, you may telephone the deputy district attorney whose name appears on the subpoena to verify that there are no postponements expected for the date on the subpoena.

Prior to trial, the defense attorney or investigator may attempt to contact the parent(s) or the victim. The parent(s) may, but are not required to, talk to them and should call the prosecutor on the case immediately if this occurs.

Trial

When the trial is set, the deputy district attorney will again meet with the parent(s) and the victim to explain what is going to happen and to review the case.

Parent(s) will be encouraged to bring anyone with them who will lend support to them and the child. The child is entitled to have two support persons of his or her choice present while testifying.

The prosecutor will explain to the child that he or she will be questioned by the defense attorney after being questioned by the prosecutor. The prosecutor will also explain that the child can ask to have a question restated if it is not understood and may simply say he or she doesn't remember if certain details truly cannot be recalled.

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After all the evidence has been presented, the judge or jury will reach a verdict. In order to convict, all 12 jurors must agree that the evidence presented established that the defendant is guilty beyond a reasonable doubt.

The parent(s) will immediately be informed of the verdict, and the prosecutor will personally discuss the meaning of the verdict with the parent(s) and the child.

Sentencing

Approximately 30-60 days after conviction, the defendant will be sentenced. Both parent(s) and the victim will be contacted by a probation officer for a telephone interview to be included in a report to the judge on sentencing. Sometimes the probation officer will call for the statement before the trial is held. At the sentencing, the parent(s) or the child may prepare a written statement to be presented to the judge or appear and make oral statements.

Victim Assistance

Crime victims may receive financial assistance from the state to pay for medical and counseling expenses. Victim assistance representatives in the District Attorney's Office will help obtain this compensation if the child is eligible. Victim Services Representatives are also available to assist parents in locating appropriate counseling for their child and in providing court support by calling (213) 974-7499.

Pointers for Parents

- Know your children.
- Listen to them and talk with them.
- Be alert to any changes in personality, in attitude, or in behavior.
- Be alert to any physical problems.
- Caution your children about strangers, but also teach them that it is all right to say "no" to any adult in certain situations and to tell someone about the incident.
- And, if you have any questions or wish to report possible abuse, dial 1-800-540-4000. Professionals are available at that number 24 hours a day, seven days a week, to provide confidential advice and to take reports.

Recycled paper

Abuso de Menores

Proteger a nuestros hijos es una responsabilidad fundamental.



Qué es lo que piensa cuando escucha las palabras "violador de menores"? ¿Un desconocido cubierto con un abrigo impermeable merodeando por el patio de una escuela, diciendo: "¿Niñita, quieres dulces?"

Sin embargo, esos estereotipos simplemente no reflejan la verdad, porque lo más probable es que el abusador es una persona que la niña o niño, ya conoce: el padre, una amistad de la familia, una niñera o un empleado de la escuela.

El abuso sexual de menores es realmente una pequeña parte de este problema, ya que el abandono y el abuso físico y emocional constituyen la mayoría de los casos del abuso de menores.

En 1993, se reportó el abuso y abandono de casi tres millones de niños a las agencias de protección de menores en los Estados Unidos. De acuerdo a las agencias de abuso de menores, cada día mueren tres niños en Los Estados Unidos a resultado del abuso o abandono.

Este panfleto explica cómo la Oficina del Fiscal de Distrito maneja los casos de abuso de menores y le exhorta a reportar este crimen.

El Menor victimado es nuestra primera preocupación a través del proceso de enjuiciamiento. Nuestros hábiles procuradores que atienden estos casos en todo momento tienen en mente el interés del menor. La protección de nuestros hijos es y continuará siendo, una de mis más altas prioridades.

S. L. Cooley
Steve Cooley
Fiscal del Distrito del
Condado de Los Angeles

Registración del Caso con el Fiscal

Cuando la policía presenta un caso a la Oficina del Fiscal de Distrito, frecuentemente se requiere información adicional. En algunos casos, se puede arreglar un examen médico de la víctima para propósitos médicos y del procurador.

La Oficina del Fiscal de Distrito también tiene investigadores especializados para manejar las investigaciones subsecuentes.



Condado de Los Angeles
Oficina del Fiscal de Distrito

La víctima será entrevistada dentro de un ambiente de interés y apoyo. Se provee una área de recreo con juguetes y libros para los niños de modo que no perciban la entrevista como una experiencia amenazadora.

Si la Oficina del Fiscal de Distrito decide no entablar juicio, la decisión será completamente explicada.

El propósito de esta preparación es para evitar que el niño/a no sea intimidado por el proceso judicial.

Si el juez decide que hay suficiente evidencia para creer que el acusado probablemente ha cometido el crimen, se fijará una fecha para arraigo en la Corte Superior.

Si el juez decide que no hay suficiente evidencia, rechaza el caso y libera al acusado.

Denuncia ante una Corte Municipal

Si al acusado se le carga con un delito, el siguiente paso es la denuncia o instrucción de los cargos. La víctima no tiene que estar presente cuando se hace la denuncia. En esa oportunidad se nombrará un abogado defensor en caso de que el acusado no tenga recursos y se le informará de sus derechos, así como de los cargos que se le harán. El juez fijará la fianza y ordenará una audiencia preliminar en el curso de dos semanas.

Denuncia ante la Corte Superior

La víctima no necesita estar presente durante la denuncia o instrucción de los cargos. En esa ocasión, se le informa al acusado de sus derechos y de los cargos que se le hacen. Si el acusado se declara culpable, no hay juicio y el caso se prepara para su sentencia. Si el acusado se declara inocente, el juez ordenará un juicio.

Audiencia Preliminar

Este es un procedimiento que establece ante un juez de que hay suficiente evidencia de que se ha cometido un delito y que el acusado es quién probablemente lo cometió.

Es muy posible que se llame al menor victimado como testigo.

La oficina trata de asegurar que el delegado del Fiscal que realizó la primera entrevista sea quien se haga cargo del caso, desde la presentación del caso hasta la sentencia.

El procurador explicará a la víctima la audiencia preliminar y normalmente llevará al niño/a a las salas de la corte antes de la audiencia. Esto le ayudará al niño/a anticipar qué es lo que va a pasar allí.

acuerdo de que la evidencia presentada establece que el acusado es culpable sin que haya la menor probabilidad de que exista una duda razonable.

Inmediatamente se informará a los padres sobre el veredicto y el procurador discutirá personalmente el significado del mismo con los padres y con el niño.

Sentencia

El acusado será sentenciado aproximadamente 30-60 días después de la convicción. Un oficial de Libertad condicional se pondrá en contacto con los padres y la víctima para una entrevista telefónica que será incluida en un informe al juez sobre la sentencia. Al momento de la sentencia, los padres o el niño/a pueden preparar una declaración escrita para presentarla al juez o comparecer para hacerlo en forma oral.

Asistencia para las víctimas

Las víctimas de crímenes pueden recibir asistencia económica de parte del Estado para pagar gastos médicos y de consejeros. Los representantes de asistencia para las víctimas en la Oficina del Fiscal de Distrito, ayudarán a obtener esta compensación si es que el niño/a es elegible. También hay Representantes de servicios para víctimas, para ayudarles a los padres a localizar servicios de consejero apropiados para su hijo/a y a proveerles apoyo de la corte si llaman al (213)974-7499.

Sugerencias para padres

- Conozca bien a sus hijos
- Escúchelos y hable con ellos
- Esté alerta a cualquier cambio en su personalidad, en su actitud o en su conducta.
- Esté alerta a cualquier problema físico.
- Alerta a sus hijos contra desconocidos, pero también enséñele que en ciertas situaciones es correcto decirle que "no" a cualquier adulto y a avisar a alguien acerca del incidente.
- Y si usted tiene alguna pregunta o desea reportar un posible abuso, marque **1-800-540-4000**. Hay profesionales disponibles que contestan ese número las 24 horas del día, siete días a la semana, para ofrecer consejo confidencial y a tomar los informes.